

# HOUSE BILL No. 1404

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-2; IC 9-13-2; IC 9-19-13-1; IC 9-21; IC 16-41-42.2-4; IC 33-37; IC 34-28-5-5.

**Synopsis:** Traffic violations. Provides that certain entities may enter into agreements to use recorded images to enforce certain traffic violations. Imposes civil penalties for traffic violations enforced by camera enforcement. Provides that an enforcement agreement must provide for distribution of civil penalties among the parties to the agreement, and to various funds. Amends the definition of "highway work zone" and renames the term as "work zone". Repeals the definition of "worksite". Removes the requirement that workers be present in a work zone for certain work zone offenses to be enforceable. Provides that a person who uses a telecommunications device while operating a motor vehicle in a work zone commits a Class A misdemeanor.

**Effective:** July 1, 2015.

---

---

## Soliday, DeLaney

---

---

January 14, 2015, read first time and referred to Committee on Roads and Transportation.

---

---



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1404

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-2-15, AS AMENDED BY P.L.217-2014,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 15. (a) As used in this section, "highway "work  
4 zone" means an area ~~where:~~ **of a highway:**  
5 (1) ~~highway where~~ construction, reconstruction, ~~or~~ maintenance,  
6 **or utility relocation is actually occurring, including lanes or**  
7 **other channeling devices leading to the area; and**  
8 (2) ~~notice is posted indicating that the highway work zone is a~~  
9 **specific area that is** designated with signage ~~on the highway: that~~  
10 **identifies the beginning and end of the work zone.**  
11 (b) The department may contract with the state police department  
12 or local law enforcement agencies to hire off duty police officers to  
13 patrol ~~highway~~ work zones. The duties of a police officer who is hired  
14 under this section:  
15 (1) are limited to those duties that the police officer normally



1 performs while on active duty; and

2 (2) do not include the duties of a:

3 (A) flagman; or

4 (B) security officer.

5 (c) The department shall use the money transferred to the  
6 department under IC 33-37-9-4(a)(6) to pay the costs of hiring off duty  
7 police officers to perform the duties described in subsection (b).

8 (d) All money transferred to the department under  
9 IC 33-37-9-4(a)(6) is annually appropriated to pay off duty police  
10 officers to perform the duties described in subsection (b).

11 SECTION 2. IC 8-23-2-15.1 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2015]: **Sec. 15.1. (a) The department shall rename the Indiana  
14 Work Site Traffic Control Manual the "Indiana Work Zone  
15 Traffic Control Manual".**

16 **(b) The department shall amend the Indiana Manual on  
17 Uniform Traffic Control Devices, the Indiana Work Zone Traffic  
18 Control Manual, and any other necessary forms or publications in  
19 a manner consistent with section 15 of this chapter.**

20 **(c) This section expires December 31, 2016.**

21 SECTION 3. IC 9-13-2-64 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 64. "Flagman" means  
23 an authorized person directing traffic in accordance with the provisions  
24 of this title at a ~~worksite~~: **work zone**.

25 SECTION 4. IC 9-13-2-200 IS REPEALED [EFFECTIVE JULY 1,  
26 2015]. ~~Sec. 200: "Worksite" means a location or area upon which:~~

27 ~~(1) a public purpose construction or maintenance activity; or~~

28 ~~(2) a private purpose construction or maintenance activity that is  
29 authorized by a governmental agency;~~

30 ~~is being performed on a highway. The term includes the lanes of a  
31 highway leading up to the area upon which an activity described in  
32 subdivision (1) or (2) is being performed, beginning at the point where  
33 appropriate signs directing vehicles to merge from one (1) lane into  
34 another lane are posted.~~

35 SECTION 5. IC 9-13-2-200.1 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2015]: **Sec. 200.1. "Work zone" has the  
38 meaning set forth in IC 8-23-2-15.**

39 SECTION 6. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,  
40 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2015]: Sec. 1. The state school bus committee  
42 established by IC 20-27-3-1 shall adopt and enforce rules under



1 IC 4-22-2 not inconsistent with this chapter **or IC 9-21-22** to govern  
 2 the design and operation of all school buses used for the transportation  
 3 of school children when owned and operated by a school corporation  
 4 or privately owned and operated under contract with an Indiana school  
 5 corporation. The rules must by reference be made a part of such a  
 6 contract with a school corporation. Each school corporation, officer and  
 7 employee of the school corporation, and person employed under  
 8 contract by a school district is subject to those rules.

9 SECTION 7. IC 9-21-4-9 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as provided in  
 11 subsections (b) and (c), all rules of statewide application shall be  
 12 adopted under IC 4-22-2.

13 (b) Traffic regulations carrying a penalty for violation and requiring  
 14 the use of signs or markers to make them effective need not be adopted  
 15 under IC 4-22-2.

16 (c) Traffic regulations, except maximum speed limits and ~~worksite~~  
 17 **work zone** speed limits, shall be officially adopted by order of the  
 18 Indiana department of transportation.

19 SECTION 8. IC 9-21-4-20, AS ADDED BY P.L.40-2007,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 20. (a) For purposes of this section, "~~highway~~  
 22 "work zone" has the meaning set forth in IC 8-23-2-15.

23 (b) The Indiana department of transportation shall design and  
 24 manufacture or have manufactured signs that inform vehicle operators  
 25 of the **following**:

26 (1) Offenses and penalties under:

27 (†) (A) IC 9-21-5-11; and

28 (‡) (B) IC 9-21-8-56.

29 (2) **If the Indiana department of transportation has entered**  
 30 **into an enforcement agreement under IC 9-21-22 to enforce**  
 31 **violations of IC 9-21-5-11:**

32 (A) **penalties under IC 9-21-22-12; and**

33 (B) **the use of camera enforcement to enforce traffic**  
 34 **violations in the work zone.**

35 (c) A sign described in subsection (b) shall be posted at a reasonable  
 36 distance before a ~~highway~~ work zone by:

37 (1) the Indiana department of transportation;

38 (2) a political subdivision; or

39 (3) a contractor of the:

40 (A) Indiana department of transportation; or

41 (B) political subdivision;

42 that is working at the ~~highway~~ work zone.



1 A sign that is posted before a ~~highway~~ work zone must be posted in  
 2 accordance with the Indiana Manual on Uniform Traffic Control  
 3 Devices or the Indiana Work ~~Site~~ **Zone** Traffic Control Manual.

4 SECTION 9. IC 9-21-5-3, AS AMENDED BY P.L.1-2006,  
 5 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2015]: Sec. 3. The maximum speed limits set  
 7 forth in section 2 of this chapter may be altered as follows:

8 (1) By local jurisdictions under section 6 of this chapter.

9 (2) By the Indiana department of transportation under section 12  
 10 of this chapter.

11 (3) For the purposes of speed limits on a highway on the national  
 12 system of interstate and defense highways, by order of the  
 13 commissioner of the Indiana department of transportation to  
 14 conform to any federal regulation concerning state speed limit  
 15 laws.

16 (4) In ~~worksites~~, **work zones**, by all jurisdictions under section 11  
 17 of this chapter.

18 SECTION 10. IC 9-21-5-11, AS AMENDED BY P.L.66-2011,  
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 11. (a) Subject to subsection (b), the Indiana  
 21 department of transportation, the Indiana finance authority, or a local  
 22 authority may establish temporary maximum speed limits in their  
 23 respective jurisdictions and in the vicinity of a ~~worksite~~ **work zone**  
 24 without conducting an engineering study and investigation required  
 25 under this article. The establishing authority shall post signs notifying  
 26 the traveling public of the temporary maximum speed limits  
 27 established under this section.

28 (b) ~~Worksite~~ **Work zone** speed limits set under this section must be  
 29 at least ten (10) miles per hour below the maximum established speed  
 30 limit.

31 (c) A ~~worksite~~ **work zone** speed limit set under this section may be  
 32 enforced only if

33 (1) ~~workers are present in the immediate vicinity of the worksite;~~  
 34 ~~or~~

35 (2) ~~if workers are not present in the immediate vicinity of the~~  
 36 ~~worksite, the establishing authority determines that the safety of~~  
 37 ~~the traveling public requires enforcement of the worksite speed~~  
 38 ~~limit. the work zone is designated with signage as described in~~  
 39 **IC 8-23-2-15(a)(2).**

40 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction  
 41 of violating a speed limit set under this section must be entered as  
 42 follows:



1 (1) If the person has not previously committed the infraction of  
 2 violating a speed limit set under this section, a judgment of at  
 3 least three hundred dollars (\$300).

4 (2) If the person has committed one (1) infraction of violating a  
 5 speed limit set under this section in the previous three (3) years,  
 6 a judgment of at least five hundred dollars (\$500).

7 (3) If the person has committed two (2) or more infractions of  
 8 violating a speed limit set under this section in the previous three  
 9 (3) years, a judgment of one thousand dollars (\$1,000).

10 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as  
 11 judgments for the infraction of violating a speed limit set under this  
 12 section shall be transferred to the Indiana department of transportation  
 13 to pay the costs of hiring off duty police officers to perform the duties  
 14 described in IC 8-23-2-15(b).

15 **(f) A work zone speed limit set under this section may be**  
 16 **enforced by camera enforcement under IC 9-21-22.**

17 SECTION 11. IC 9-21-5-13, AS AMENDED BY P.L.231-2005,  
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2015]: Sec. 13. (a) Except as provided in subsections (b) and  
 20 (c), a person who violates this chapter commits a Class C infraction.

21 (b) A person who exceeds a speed limit that is:

22 (1) established under section 6 of this chapter and imposed only  
 23 in the immediate vicinity of a school when children are present;  
 24 or

25 (2) established under section 11 of this chapter and imposed only  
 26 in the immediate vicinity of a ~~worksite when workers are present;~~  
 27 **a work zone;**

28 commits a Class B infraction.

29 (c) A person who while operating a school bus knowingly or  
 30 intentionally exceeds a speed limit set forth in section 14 of this chapter  
 31 commits a Class C misdemeanor.

32 SECTION 12. IC 9-21-8-7.5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) This section  
 34 applies to a ~~worksite:~~ **work zone:**

35 (1) upon a highway divided into two (2) or more marked lanes for  
 36 traffic moving in the same direction; and

37 (2) for which vehicles are instructed to merge from one (1) lane  
 38 into another lane by an appropriate sign.

39 (b) A person who drives a vehicle may not pass another vehicle that  
 40 is in the lane into which traffic is directed to merge within the posted  
 41 no passing zone established by the Indiana department of  
 42 transportation.



1 SECTION 13. IC 9-21-8-41, AS AMENDED BY P.L.217-2014,  
 2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 41. (a) A person who drives a vehicle may not  
 4 disobey the instructions of an official traffic control device placed in  
 5 accordance with this article unless otherwise directed by a police  
 6 officer.

7 (b) When a traffic control device or flagman is utilized at a ~~worksite~~  
 8 ~~on a highway~~ **work zone** for traffic control, a person who drives a  
 9 vehicle shall exercise extraordinary care to secure the mutual safety of  
 10 all persons and vehicles at the ~~worksite.~~ **work zone.**

11 (c) All traffic shall observe and obey traffic control devices  
 12 including signals, signs, and warnings, and all directions, signs, or  
 13 warning devices that may be given or displayed by a police officer or  
 14 flagman to safely control traffic movement at a ~~worksite~~ **work zone**  
 15 and promote safety at a ~~worksite.~~ **work zone.**

16 SECTION 14. IC 9-21-8-52, AS AMENDED BY P.L.217-2014,  
 17 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who  
 19 recklessly:

20 (1) drives at such an unreasonably high rate of speed or at such an  
 21 unreasonably low rate of speed under the circumstances as to:

22 (A) endanger the safety or the property of others; or

23 (B) block the proper flow of traffic;

24 (2) passes another vehicle from the rear while on a slope or on a  
 25 curve where vision is obstructed for a distance of less than five  
 26 hundred (500) feet ahead;

27 (3) drives in and out of a line of traffic, except as otherwise  
 28 permitted; or

29 (4) speeds up or refuses to give one-half (1/2) of the roadway to  
 30 a driver overtaking and desiring to pass;

31 commits a Class B misdemeanor.

32 (b) A person who operates a vehicle and who recklessly passes a  
 33 school bus stopped on a roadway when the arm signal device specified  
 34 in IC 9-21-12-13 is in the device's extended position commits a Class  
 35 B misdemeanor. However, the offense is a Class A misdemeanor if it  
 36 causes bodily injury to a person. **A recorded image (as defined in**  
 37 **IC 9-21-22-5) may be used as evidence in a criminal proceeding**  
 38 **under this subsection.**

39 (c) If an offense under subsection (a) or (b) results in damage to the  
 40 property of another person or bodily injury to another person, it is a  
 41 Class C misdemeanor and the court may recommend the suspension of  
 42 the current driving license of the person for a fixed period of not more



- 1 than one (1) year.
- 2 SECTION 15. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,  
3 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 56. (a) For purposes of this section, "highway  
5 "work zone" has the meaning set forth in IC 8-23-2-15.
- 6 (b) Except as provided in subsections (f) through (h), a person who  
7 recklessly operates a vehicle in ~~the immediate vicinity of a highway a~~  
8 work zone ~~when workers are present~~ commits a Class A misdemeanor.
- 9 (c) Except as provided in subsections (f) through (h), a person who  
10 knowingly or intentionally operates a motor vehicle in ~~the immediate~~  
11 ~~vicinity of a highway a work zone when workers are present~~ with the  
12 intent to:
- 13 (1) damage traffic control devices; or
  - 14 (2) inflict bodily injury on a worker;
- 15 commits a Class A misdemeanor.
- 16 (d) Except as provided in subsections (f) through (h), a person who  
17 knowingly, intentionally, or recklessly engages in:
- 18 (1) aggressive driving, as defined in section 55 of this chapter; or
  - 19 (2) a speed contest, as prohibited under IC 9-21-6-1;
- 20 in ~~the immediate vicinity of a highway a work zone when workers are~~  
21 ~~present~~ commits a Class A misdemeanor.
- 22 (e) Except as provided in subsections (f) through (h), a person who  
23 recklessly fails to obey a traffic control device or flagman, as  
24 prohibited under section 41 of this chapter, in ~~the immediate vicinity~~  
25 ~~of a highway a work zone when workers are present~~ commits a Class  
26 A misdemeanor.
- 27 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6  
28 felony if the person who commits the offense:
- 29 (1) has a prior unrelated conviction under this section in the  
30 previous five (5) years; or
  - 31 (2) is operating the vehicle in violation of IC 9-30-5-1 or  
32 IC 9-30-5-2.
- 33 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6  
34 felony if the offense results in bodily injury to a worker in ~~the worksite:~~  
35 **a work zone.**
- 36 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5  
37 felony if the offense results in the death of a worker in ~~the worksite:~~ **a**  
38 **work zone.**
- 39 (i) A person who knowingly, intentionally, or recklessly engages in  
40 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),  
41 55(b)(5), or 55(b)(6) of this chapter in ~~the immediate vicinity of a~~  
42 ~~highway a work zone when workers are present~~ commits a Class B



1 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as  
 2 judgments for an infraction under this subsection shall be transferred  
 3 to the Indiana department of transportation to pay the costs of hiring off  
 4 duty police officers to perform the duties described in IC 8-23-2-15(b).

5 **(j) A person who uses a telecommunications device in violation**  
 6 **of section 59 of this chapter in a work zone commits a Class A**  
 7 **misdemeanor.**

8 SECTION 16. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,  
 9 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2015]: Sec. 1. (a) A person who drives a vehicle that:

11 (1) meets or overtakes from any direction a school bus stopped on  
 12 a roadway and is not stopped before reaching the school bus when  
 13 the arm signal device specified in IC 9-21-12-13 is in the device's  
 14 extended position; or

15 (2) proceeds before the arm signal device is no longer extended;  
 16 commits a Class A infraction.

17 (b) This section is applicable only if the school bus is in substantial  
 18 compliance with the markings required by the state school bus  
 19 committee.

20 (c) There is a rebuttable presumption that the owner of the vehicle  
 21 involved in the violation of this section committed the violation. This  
 22 presumption does not apply to the owner of a vehicle involved in the  
 23 violation of this section if the owner routinely engages in the business  
 24 of renting the vehicle for periods of thirty (30) days or less.

25 **(d) A violation of subsection (a) may be enforced by camera**  
 26 **enforcement under IC 9-21-22.**

27 SECTION 17. IC 9-21-22 IS ADDED TO THE INDIANA CODE  
 28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]:

30 **Chapter 22. Camera Enforcement of Traffic Violations**

31 **Sec. 1. As used in this chapter, "camera enforcement" means**  
 32 **the enforcement of a traffic violation through an enforcement**  
 33 **agreement.**

34 **Sec. 2. As used in this chapter, "enforcement agreement" means**  
 35 **an agreement entered into under section 8 of this chapter.**

36 **Sec. 3. As used in this chapter, "local authority" has the**  
 37 **meaning set forth in IC 9-13-2-94(b).**

38 **Sec. 4. As used in this chapter, "nonpublic school" has the**  
 39 **meaning set forth in IC 20-18-2-12.**

40 **Sec. 5. As used in this chapter, "recorded image" means a**  
 41 **digital image that:**

42 **(1) is recorded by a camera that is:**



- 1           (A) mounted on a school bus; or  
 2           (B) installed at a work zone;  
 3           under an enforcement agreement; and  
 4           (2) shows the date and time the image was recorded.
- 5           Sec. 6. As used in this chapter, "school corporation" has the  
 6 meaning set forth in IC 20-18-2-16(a).
- 7           Sec. 7. As used in this chapter, "traffic violation" refers to the  
 8 following:
- 9           (1) A violation of IC 9-21-5-11.  
 10          (2) A violation of IC 9-21-12-1.
- 11          Sec. 8. The following may enter into an enforcement agreement  
 12 with a contractor to use recorded images to enforce traffic  
 13 violations:
- 14          (1) The Indiana department of transportation.  
 15          (2) A local authority.  
 16          (3) The Indiana finance authority.  
 17          (4) A school corporation.  
 18          (5) A nonpublic school.
- 19          Sec. 9. An enforcement agreement must include the following:
- 20          (1) The names and addresses of all law enforcement agencies:  
 21              (A) that are authorized to enforce traffic violations; and  
 22              (B) to which recorded images will be provided for  
 23 enforcement or evidentiary purposes.
- 24          (2) All traffic violations that may be enforced under the  
 25 agreement.
- 26          (3) Any traffic violations or other offenses for which a  
 27 recorded image may be used for evidentiary purposes.
- 28          (4) A requirement that a complaint and summons for a traffic  
 29 violation described in section 7(2) of this chapter may not be  
 30 issued to the owner of a vehicle unless the issuing law  
 31 enforcement agency possesses a written report from the  
 32 operator of the school bus that was passed by the vehicle and  
 33 that was the subject of the complaint and summons. The  
 34 written report must:
- 35              (A) document the alleged violating incident; and  
 36              (B) have been made contemporaneously with the  
 37 employment shift of the operator of the school bus when  
 38 the incident occurred.
- 39          (5) For an enforcement agreement entered into by a school  
 40 corporation or a nonpublic school, a requirement that each  
 41 recorded image must contain electronic verification that the  
 42 school bus's arm signal device specified in IC 9-21-12-13 was



- 1 in the device's extended position when the image was  
 2 recorded.
- 3 **(6) A requirement that a law enforcement agency described in**  
 4 **subdivision (1) shall send to the owner of a vehicle that is the**  
 5 **subject of a recorded image the following:**
- 6 **(A) A complaint and summons for the alleged traffic**  
 7 **violation on a form that complies with IC 9-30-3-6.**
- 8 **(B) A recorded image showing the vehicle at the time of the**  
 9 **alleged traffic violation.**
- 10 **(C) A verified statement by a law enforcement officer**  
 11 **authorized to enforce this section stating that:**
- 12 **(i) based upon inspection of recorded images, the**  
 13 **operator of the vehicle committed a traffic violation; and**  
 14 **(ii) the traffic violation was not otherwise authorized by**  
 15 **law.**
- 16 **(D) Information regarding how the owner of the vehicle**  
 17 **that is the subject of the recorded image may provide the**  
 18 **name and address of the individual alleged to have been**  
 19 **operating the vehicle at the time of the traffic violation, if**  
 20 **the owner was not the operator.**
- 21 **(E) Any other information usually transmitted to**  
 22 **individuals alleged to have committed a traffic violation.**
- 23 **All documents and other information required under this**  
 24 **subdivision must be sent by regular mail addressed to the**  
 25 **owner of the vehicle and postmarked not later than ten (10)**  
 26 **days after the date of the alleged traffic violation.**
- 27 **(7) A regular inspection schedule for all hardware, including**  
 28 **cameras, installed under the terms of the enforcement**  
 29 **agreement.**
- 30 **(8) Subject to the deduction of court costs under**  
 31 **IC 34-28-5-5(f), a requirement that civil penalties collected**  
 32 **under this chapter be deposited as follows:**
- 33 **(A) A percentage, not to exceed twenty-five percent (25%),**  
 34 **in the general fund of the entity listed in section 8 of this**  
 35 **chapter that is a party to the agreement to pay for the costs**  
 36 **of the agreement, including:**
- 37 **(i) payments to the contractor under the terms of the**  
 38 **agreement; and**
- 39 **(ii) other administrative and enforcement costs identified**  
 40 **in the agreement.**
- 41 **(B) The remainder as follows:**
- 42 **(i) For a civil penalty imposed for a judgment for**



1 committing a traffic violation described in section 7(1) of  
 2 this chapter, in the spinal cord and brain injury fund  
 3 established by IC 16-41-42.2-3.

4 (ii) For a civil penalty imposed for a judgment for  
 5 committing a traffic violation described in section 7(2) of  
 6 this chapter, fifty percent (50%) in the general fund of  
 7 the school corporation or nonpublic school and fifty  
 8 percent (50%) in the spinal cord and brain injury fund  
 9 established by IC 16-41-42.2-3.

10 (9) Any other provisions that the parties to the enforcement  
 11 agreement consider necessary.

12 **Sec. 10.** There is a rebuttable presumption that the owner of a  
 13 vehicle that is the subject of a recorded image was operating the  
 14 vehicle when the image was recorded. The presumption does not  
 15 apply to the owner of a vehicle that is the subject of a recorded  
 16 image if the owner routinely engages in the business of renting the  
 17 vehicle for periods of thirty (30) days or less.

18 **Sec. 11.** The bureau may not assess points under the point  
 19 system for a traffic violation that is enforced through camera  
 20 enforcement.

21 **Sec. 12. (a)** An individual against whom a judgment is entered  
 22 for committing a traffic violation that was detected and enforced  
 23 through camera enforcement is liable for a civil penalty as follows:

24 (1) If the individual does not have a prior adjudication based  
 25 on the same traffic violation within the previous five (5) years,  
 26 three hundred dollars (\$300).

27 (2) If the individual has one (1) prior adjudication based on  
 28 the same traffic violation within the previous five (5) years,  
 29 seven hundred fifty dollars (\$750).

30 (3) If the individual has more than one (1) prior adjudication  
 31 based on the same traffic violation within the previous five (5)  
 32 years, one thousand dollars (\$1,000).

33 (b) A civil penalty imposed under this section shall be deposited  
 34 under the terms of the enforcement agreement under which the  
 35 traffic violation for which the civil penalty was imposed was  
 36 enforced.

37 (c) A civil penalty imposed under this section is the only penalty  
 38 that may be imposed under this chapter for a traffic violation.  
 39 Notwithstanding IC 34-28-5-4, an individual against whom a  
 40 judgment is entered for a traffic violation that is enforced by  
 41 camera enforcement is not liable for the amount prescribed in  
 42 IC 34-28-5-4(a) or for additional court costs. However, a court may



1 **deduct costs from the civil penalty imposed under subsection (a) as**  
 2 **long as the amount imposed on the individual does not exceed the**  
 3 **applicable amount set forth in this section.**

4 SECTION 18. IC 16-41-42.2-4, AS AMENDED BY P.L.141-2014,  
 5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 4. (a) The fund is to be used for the following  
 7 purposes:

8 (1) Establishing and maintaining a state medical surveillance  
 9 registry for traumatic spinal cord and brain injuries.

10 (2) Fulfilling the duties of the board established by section 5 of  
 11 this chapter.

12 (3) Funding research related to the treatment and cure of spinal  
 13 cord and brain injuries, including acute management, medical  
 14 complications, rehabilitative techniques, and neuronal recovery.  
 15 Research must be conducted in compliance with all state and  
 16 federal laws.

17 (4) Develop a statewide trauma system.

18 ~~However,~~ (b) Not more than fifty percent (50%) of money in the  
 19 fund may be used for purposes of developing a statewide trauma  
 20 system.

21 **(c) One hundred percent (100%) of money deposited in the fund**  
 22 **under IC 9-21-22-12(b) must be used for purposes of developing a**  
 23 **statewide trauma system.**

24 SECTION 19. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),  
 25 SECTION 392, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For each action that results in  
 27 a felony conviction under IC 35-50-2 or a misdemeanor conviction  
 28 under IC 35-50-3, the clerk shall collect from the defendant a criminal  
 29 costs fee of one hundred twenty dollars (\$120).

30 (b) In addition to the criminal costs fee collected under this section,  
 31 the clerk shall collect from the defendant the following fees if they are  
 32 required under IC 33-37-5:

33 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 34 IC 33-37-5-4).

35 (2) A marijuana eradication program fee (IC 33-37-5-7).

36 (3) An alcohol and drug services program user fee  
 37 (IC 33-37-5-8(b)).

38 (4) A law enforcement continuing education program fee  
 39 (IC 33-37-5-8(c)).

40 (5) A drug abuse, prosecution, interdiction, and correction fee  
 41 (IC 33-37-5-9).

42 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).



- 1 (7) A child abuse prevention fee (IC 33-37-5-12).  
 2 (8) A domestic violence prevention and treatment fee  
 3 (IC 33-37-5-13).  
 4 (9) A highway work zone fee (IC 33-37-5-14).  
 5 (10) A deferred prosecution fee (IC 33-37-5-17).  
 6 (11) A document storage fee (IC 33-37-5-20).  
 7 (12) An automated record keeping fee (IC 33-37-5-21).  
 8 (13) A late payment fee (IC 33-37-5-22).  
 9 (14) A sexual assault victims assistance fee (IC 33-37-5-23).  
 10 (15) A public defense administration fee (IC 33-37-5-21.2).  
 11 (16) A judicial insurance adjustment fee (IC 33-37-5-25).  
 12 (17) A judicial salaries fee (IC 33-37-5-26).  
 13 (18) A court administration fee (IC 33-37-5-27).  
 14 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 15 (c) Instead of the criminal costs fee prescribed by this section,  
 16 except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 17 shall collect a pretrial diversion program fee if an agreement between  
 18 the prosecuting attorney and the accused person entered into under  
 19 IC 33-39-1-8 requires payment of those fees by the accused person.  
 20 The pretrial diversion program fee is:  
 21 (1) an initial user's fee of fifty dollars (\$50); and  
 22 (2) a monthly user's fee of ten dollars (\$10) for each month that  
 23 the person remains in the pretrial diversion program.
- 24 (d) The clerk shall transfer to the county auditor or city or town  
 25 fiscal officer the following fees, not later than thirty (30) days after the  
 26 fees are collected:  
 27 (1) The pretrial diversion fee.  
 28 (2) The marijuana eradication program fee.  
 29 (3) The alcohol and drug services program user fee.  
 30 (4) The law enforcement continuing education program fee.
- 31 The auditor or fiscal officer shall deposit fees transferred under this  
 32 subsection in the appropriate user fee fund established under  
 33 IC 33-37-8.
- 34 (e) Unless otherwise directed by a court, if a clerk collects only part  
 35 of a criminal costs fee from a defendant under this section, the clerk  
 36 shall distribute the partial payment of the criminal costs fee as follows:  
 37 (1) The clerk shall apply the partial payment to general court  
 38 costs.  
 39 (2) If there is money remaining after the partial payment is  
 40 applied to general court costs under subdivision (1), the clerk  
 41 shall distribute the remainder of the partial payment for deposit in  
 42 the appropriate county user fee fund.



1 (3) If there is money remaining after distribution under  
 2 subdivision (2), the clerk shall distribute the remainder of the  
 3 partial payment for deposit in the state user fee fund.

4 (4) If there is money remaining after distribution under  
 5 subdivision (3), the clerk shall distribute the remainder of the  
 6 partial payment to any other applicable user fee fund.

7 (5) If there is money remaining after distribution under  
 8 subdivision (4), the clerk shall apply the remainder of the partial  
 9 payment to any outstanding fines owed by the defendant.

10 SECTION 20. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),  
 11 SECTION 393, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as provided in  
 13 subsections (d) and (e), for each action that results in a judgment:

14 (1) for a violation constituting an infraction; or

15 (2) for a violation of an ordinance of a municipal corporation (as  
 16 defined in IC 36-1-2-10);

17 the clerk shall collect from the defendant an infraction or ordinance  
 18 violation costs fee of seventy dollars (\$70).

19 (b) In addition to the infraction or ordinance violation costs fee  
 20 collected under this section, the clerk shall collect from the defendant  
 21 the following fees, if they are required under IC 33-37-5:

22 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 23 IC 33-37-5-4).

24 (2) An alcohol and drug services program user fee  
 25 (IC 33-37-5-8(b)).

26 (3) A law enforcement continuing education program fee  
 27 (IC 33-37-5-8(c)).

28 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

29 (5) A highway work zone fee (IC 33-37-5-14).

30 (6) A deferred prosecution fee (IC 33-37-5-17).

31 (7) A jury fee (IC 33-37-5-19).

32 (8) A document storage fee (IC 33-37-5-20).

33 (9) An automated record keeping fee (IC 33-37-5-21).

34 (10) A late payment fee (IC 33-37-5-22).

35 (11) A public defense administration fee (IC 33-37-5-21.2).

36 (12) A judicial insurance adjustment fee (IC 33-37-5-25).

37 (13) A judicial salaries fee (IC 33-37-5-26).

38 (14) A court administration fee (IC 33-37-5-27).

39 (15) A DNA sample processing fee (IC 33-37-5-26.2).

40 (c) The clerk shall transfer to the county auditor or fiscal officer of  
 41 the municipal corporation the following fees, not later than thirty (30)  
 42 days after the fees are collected:



- 1 (1) The alcohol and drug services program user fee
- 2 (IC 33-37-5-8(b)).
- 3 (2) The law enforcement continuing education program fee
- 4 (IC 33-37-5-8(c)).
- 5 (3) The deferral program fee (subsection (e)).
- 6 The auditor or fiscal officer shall deposit the fees in the user fee fund
- 7 established under IC 33-37-8.
- 8 (d) The defendant is not liable for any ordinance violation costs fee
- 9 in an action if all the following apply:
- 10 (1) The defendant was charged with an ordinance violation
- 11 subject to IC 33-36.
- 12 (2) The defendant denied the violation under IC 33-36-3.
- 13 (3) Proceedings in court against the defendant were initiated
- 14 under IC 34-28-5 (or IC 34-4-32 before its repeal).
- 15 (4) The defendant was tried and the court entered judgment for
- 16 the defendant for the violation.
- 17 (e) Instead of the infraction or ordinance violation costs fee
- 18 prescribed by subsection (a), except for the automated record keeping
- 19 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
- 20 agreement between a prosecuting attorney or an attorney for a
- 21 municipal corporation and the person charged with a violation entered
- 22 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
- 23 payment of those fees by the person charged with the violation. The
- 24 deferral program fee is:
- 25 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 26 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
- 27 month the person remains in the deferral program.
- 28 (f) The fees prescribed by this section are costs for purposes of
- 29 IC 34-28-5-5 and may be collected from a defendant against whom
- 30 judgment is entered. **Except as provided in IC 9-21-22-12 and**
- 31 **IC 34-28-5-5(f) for a traffic violation enforced through camera**
- 32 **enforcement under IC 9-21-22**, any penalty assessed is in addition to
- 33 costs.
- 34 SECTION 21. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
- 35 SECTION 114, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section applies to
- 37 criminal, infraction, and ordinance violation actions that are traffic
- 38 offenses (as defined in IC 9-13-2-183).
- 39 (b) The clerk shall collect a ~~highway worksite work~~ zone fee of fifty
- 40 cents (\$0.50). However, the clerk shall collect a ~~highway worksite~~
- 41 ~~work~~ zone fee of twenty-five dollars and fifty cents (\$25.50) if:
- 42 (1) the criminal action, infraction, or ordinance violation is:



- 1 (A) exceeding a ~~worksite~~ **work zone** speed limit (as provided  
 2 in ~~IC 9-21-5-2 and authorized by IC 9-21-5-3~~; **established**  
 3 **under IC 9-21-5-11**; or  
 4 (B) failure to merge (as provided in IC 9-21-8-7.5); and  
 5 (2) the judge orders the clerk to collect the fee for exceeding a  
 6 **worksite work zone** speed limit or failure to merge.
- 7 SECTION 22. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute  
 10 semiannually to the auditor of state as the state share for deposit in the  
 11 homeowner protection unit account established by IC 4-6-12-9 one  
 12 hundred percent (100%) of the automated record keeping fees collected  
 13 under IC 33-37-5-21 with respect to actions resulting in the accused  
 14 person entering into a pretrial diversion program agreement under  
 15 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
 16 for deposit in the state general fund seventy percent (70%) of the  
 17 amount of fees collected under the following:  
 18 (1) IC 33-37-4-1(a) (criminal costs fees).  
 19 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 20 (3) IC 33-37-4-3(a) (juvenile costs fees).  
 21 (4) IC 33-37-4-4(a) (civil costs fees).  
 22 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 23 (6) IC 33-37-4-7(a) (probate costs fees).  
 24 (7) IC 33-37-5-17 (deferred prosecution fees).  
 25 (b) The clerk of a circuit court shall distribute semiannually to the  
 26 auditor of state for deposit in the state user fee fund established in  
 27 IC 33-37-9-2 the following:  
 28 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 29 interdiction, and correction fees collected under  
 30 IC 33-37-4-1(b)(5).  
 31 (2) Twenty-five percent (25%) of the alcohol and drug  
 32 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 33 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 34 (3) One hundred percent (100%) of the child abuse prevention  
 35 fees collected under IC 33-37-4-1(b)(7).  
 36 (4) One hundred percent (100%) of the domestic violence  
 37 prevention and treatment fees collected under IC 33-37-4-1(b)(8).  
 38 (5) One hundred percent (100%) of the ~~highway~~ work zone fees  
 39 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
 40 (6) One hundred percent (100%) of the safe schools fee collected  
 41 under IC 33-37-5-18.  
 42 (7) The following:



- 1 (A) For a county operating under the state's automated judicial  
 2 system, one hundred percent (100%) of the automated record  
 3 keeping fee (IC 33-37-5-21) not distributed under subsection  
 4 (a).
- 5 (B) This clause applies before July 1, 2013, and after June 30,  
 6 2015. For a county not operating under the state's automated  
 7 judicial system, eighty percent (80%) of the automated record  
 8 keeping fee (IC 33-37-5-21) not distributed under subsection  
 9 (a).
- 10 (C) This clause applies after June 30, 2013, and before July 1,  
 11 2015. For a county not operating under the state's automated  
 12 judicial system, five dollars (\$5) of the automated record  
 13 keeping fee (IC 33-37-5-21) not distributed under subsection  
 14 (a).
- 15 (c) The clerk of a circuit court shall distribute monthly to the county  
 16 auditor the following:
- 17 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 18 interdiction, and correction fees collected under  
 19 IC 33-37-4-1(b)(5).
- 20 (2) Seventy-five percent (75%) of the alcohol and drug  
 21 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 22 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 23 The county auditor shall deposit fees distributed by a clerk under this  
 24 subsection into the county drug free community fund established under  
 25 IC 5-2-11.
- 26 (d) The clerk of a circuit court shall distribute monthly to the county  
 27 auditor one hundred percent (100%) of the late payment fees collected  
 28 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 29 by a clerk under this subsection as follows:
- 30 (1) If directed to do so by an ordinance adopted by the county  
 31 fiscal body, the county auditor shall deposit forty percent (40%)  
 32 of the fees in the clerk's record perpetuation fund established  
 33 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 34 county general fund.
- 35 (2) If the county fiscal body has not adopted an ordinance  
 36 described in subdivision (1), the county auditor shall deposit all  
 37 the fees in the county general fund.
- 38 (e) The clerk of the circuit court shall distribute semiannually to the  
 39 auditor of state for deposit in the sexual assault victims assistance  
 40 account established by IC 5-2-6-23(h) one hundred percent (100%) of  
 41 the sexual assault victims assistance fees collected under  
 42 IC 33-37-5-23.



1 (f) The clerk of a circuit court shall distribute monthly to the county  
2 auditor the following:

3 (1) One hundred percent (100%) of the support and maintenance  
4 fees for cases designated as non-Title IV-D child support cases in  
5 the Indiana support enforcement tracking system (ISETS) or the  
6 successor statewide automated support enforcement system  
7 collected under IC 33-37-5-6.

8 (2) The percentage share of the support and maintenance fees for  
9 cases designated as Title IV-D child support cases in ISETS or the  
10 successor statewide automated support enforcement system  
11 collected under IC 33-37-5-6 that is reimbursable to the county at  
12 the federal financial participation rate.

13 The county clerk shall distribute monthly to the department of child  
14 services the percentage share of the support and maintenance fees for  
15 cases designated as Title IV-D child support cases in ISETS, or the  
16 successor statewide automated support enforcement system, collected  
17 under IC 33-37-5-6 that is not reimbursable to the county at the  
18 applicable federal financial participation rate.

19 (g) The clerk of a circuit court shall distribute monthly to the county  
20 auditor the following:

21 (1) One hundred percent (100%) of the small claims service fee  
22 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
23 the county general fund.

24 (2) One hundred percent (100%) of the small claims garnishee  
25 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
26 deposit in the county general fund.

27 (h) This subsection does not apply to court administration fees  
28 collected in small claims actions filed in a court described in IC 33-34.  
29 The clerk of a circuit court shall semiannually distribute to the auditor  
30 of state for deposit in the state general fund one hundred percent  
31 (100%) of the following:

32 (1) The public defense administration fee collected under  
33 IC 33-37-5-21.2.

34 (2) The judicial salaries fees collected under IC 33-37-5-26.

35 (3) The DNA sample processing fees collected under  
36 IC 33-37-5-26.2.

37 (4) The court administration fees collected under IC 33-37-5-27.

38 (i) The clerk of a circuit court shall semiannually distribute to the  
39 auditor of state for deposit in the judicial branch insurance adjustment  
40 account established by IC 33-38-5-8.2 one hundred percent (100%) of  
41 the judicial insurance adjustment fee collected under IC 33-37-5-25.

42 (j) The proceeds of the service fee collected under



1 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
2 follows:

3 (1) The clerk shall distribute one hundred percent (100%) of the  
4 service fees collected in a circuit, superior, county, or probate  
5 court to the county auditor for deposit in the county general fund.

6 (2) The clerk shall distribute one hundred percent (100%) of the  
7 service fees collected in a city or town court to the city or town  
8 fiscal officer for deposit in the city or town general fund.

9 (k) The proceeds of the garnishee service fee collected under  
10 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
11 follows:

12 (1) The clerk shall distribute one hundred percent (100%) of the  
13 garnishee service fees collected in a circuit, superior, county, or  
14 probate court to the county auditor for deposit in the county  
15 general fund.

16 (2) The clerk shall distribute one hundred percent (100%) of the  
17 garnishee service fees collected in a city or town court to the city  
18 or town fiscal officer for deposit in the city or town general fund.

19 (l) The clerk of the circuit court shall distribute semiannually to the  
20 auditor of state for deposit in the home ownership education account  
21 established by IC 5-20-1-27 one hundred percent (100%) of the  
22 following:

23 (1) The mortgage foreclosure counseling and education fees  
24 collected under IC 33-37-5-32 (before its expiration on January  
25 1, 2015).

26 (2) Any civil penalties imposed and collected by a court for a  
27 violation of a court order in a foreclosure action under  
28 IC 32-30-10.5.

29 (m) This subsection applies to a county that is not operating under  
30 the state's automated judicial system. The clerk of a circuit court shall  
31 distribute monthly to the county auditor the following part of the  
32 automated record keeping fee (IC 33-37-5-21) not distributed under  
33 subsection (a) for deposit in the clerk's record perpetuation fund:

34 (1) Twenty percent (20%), before July 1, 2013, and after June 30,  
35 2015.

36 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,  
37 and before July 1, 2015.

38 (n) The clerk of a circuit court shall distribute semiannually to the  
39 auditor of state one hundred percent (100%) of the pro bono legal  
40 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
41 auditor of state shall transfer semiannually the pro bono legal services  
42 fees to the Indiana Bar Foundation (or a successor entity) as the entity



1 designated to organize and administer the interest on lawyers trust  
 2 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 3 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 4 Foundation shall:

5 (1) deposit in an appropriate account and otherwise manage the  
 6 fees the Indiana Bar Foundation receives under this subsection in  
 7 the same manner the Indiana Bar Foundation deposits and  
 8 manages the net earnings the Indiana Bar Foundation receives  
 9 from IOLTA accounts; and

10 (2) use the fees the Indiana Bar Foundation receives under this  
 11 subsection to assist or establish approved pro bono legal services  
 12 programs.

13 The handling and expenditure of the pro bono legal services fees  
 14 received under this section by the Indiana Bar Foundation (or its  
 15 successor entity) are subject to audit by the state board of accounts. The  
 16 amounts necessary to make the transfers required by this subsection are  
 17 appropriated from the state general fund.

18 SECTION 23. IC 33-37-7-8, AS AMENDED BY P.L.136-2012,  
 19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall  
 21 distribute semiannually to the auditor of state as the state share for  
 22 deposit in the homeowner protection unit account established by  
 23 IC 4-6-12-9 one hundred percent (100%) of the automated record  
 24 keeping fees collected under IC 33-37-5-21 with respect to actions  
 25 resulting in the accused person entering into a pretrial diversion  
 26 program agreement under IC 33-39-1-8 or a deferral program  
 27 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 28 fifty-five percent (55%) of the amount of fees collected under the  
 29 following:

30 (1) IC 33-37-4-1(a) (criminal costs fees).

31 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

32 (3) IC 33-37-4-4(a) (civil costs fees).

33 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

34 (5) IC 33-37-5-17 (deferred prosecution fees).

35 (b) The city or town fiscal officer shall distribute monthly to the  
 36 county auditor as the county share twenty percent (20%) of the amount  
 37 of fees collected under the following:

38 (1) IC 33-37-4-1(a) (criminal costs fees).

39 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

40 (3) IC 33-37-4-4(a) (civil costs fees).

41 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

42 (5) IC 33-37-5-17 (deferred prosecution fees).



1 (c) The city or town fiscal officer shall retain twenty-five percent  
 2 (25%) as the city or town share of the fees collected under the  
 3 following:

- 4 (1) IC 33-37-4-1(a) (criminal costs fees).  
 5 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 6 (3) IC 33-37-4-4(a) (civil costs fees).  
 7 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 8 (5) IC 33-37-5-17 (deferred prosecution fees).

9 (d) The clerk of a city or town court shall distribute semiannually to  
 10 the auditor of state for deposit in the state user fee fund established in  
 11 IC 33-37-9 the following:

- 12 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 13 interdiction, and correction fees collected under  
 14 IC 33-37-4-1(b)(5).  
 15 (2) Twenty-five percent (25%) of the alcohol and drug  
 16 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 17 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 18 (3) One hundred percent (100%) of the highway work zone fees  
 19 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
 20 (4) One hundred percent (100%) of the safe schools fee collected  
 21 under IC 33-37-5-18.  
 22 (5) One hundred percent (100%) of the automated record keeping  
 23 fee (IC 33-37-5-21) not distributed under subsection (a).

24 (e) The clerk of a city or town court shall distribute monthly to the  
 25 county auditor the following:

- 26 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 27 interdiction, and corrections fees collected under  
 28 IC 33-37-4-1(b)(5).  
 29 (2) Seventy-five percent (75%) of the alcohol and drug  
 30 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 31 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

32 The county auditor shall deposit fees distributed by a clerk under this  
 33 subsection into the county drug free community fund established under  
 34 IC 5-2-11.

35 (f) The clerk of a city or town court shall distribute monthly to the  
 36 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 37 percent (100%) of the following:

- 38 (1) The late payment fees collected under IC 33-37-5-22.  
 39 (2) The small claims service fee collected under  
 40 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
 41 (3) The small claims garnishee service fee collected under  
 42 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).



1 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
2 fees distributed by a clerk under this subsection in the city or town  
3 general fund.

4 (g) The clerk of a city or town court shall semiannually distribute to  
5 the auditor of state for deposit in the state general fund one hundred  
6 percent (100%) of the following:

7 (1) The public defense administration fee collected under  
8 IC 33-37-5-21.2.

9 (2) The DNA sample processing fees collected under  
10 IC 33-37-5-26.2.

11 (3) The court administration fees collected under IC 33-37-5-27.

12 (h) The clerk of a city or town court shall semiannually distribute to  
13 the auditor of state for deposit in the judicial branch insurance  
14 adjustment account established by IC 33-38-5-8.2 one hundred percent  
15 (100%) of the judicial insurance adjustment fee collected under  
16 IC 33-37-5-25.

17 (i) The clerk of a city or town court shall semiannually distribute to  
18 the auditor of state for deposit in the state general fund seventy-five  
19 percent (75%) of the judicial salaries fee collected under  
20 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
21 percent (25%) of the judicial salaries fee collected under  
22 IC 33-37-5-26. The funds retained by the city or town shall be  
23 prioritized to fund city or town court operations.

24 (j) The clerk of a city or town court shall distribute semiannually to  
25 the auditor of state one hundred percent (100%) of the pro bono legal  
26 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
27 auditor of state shall transfer semiannually the pro bono legal services  
28 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
29 designated to organize and administer the interest on lawyers trust  
30 accounts (IOLTA) program under Rule 1.15 of the Rules of  
31 Professional Conduct of the Indiana supreme court. The Indiana Bar  
32 Foundation shall:

33 (1) deposit in an appropriate account and otherwise manage the  
34 fees the Indiana Bar Foundation receives under this subsection in  
35 the same manner the Indiana Bar Foundation deposits and  
36 manages the net earnings the Indiana Bar Foundation receives  
37 from IOLTA accounts; and

38 (2) use the fees the Indiana Bar Foundation receives under this  
39 subsection to assist or establish approved pro bono legal services  
40 programs.

41 The handling and expenditure of the pro bono legal services fees  
42 received under this section by the Indiana Bar Foundation (or its



1 successor entity) are subject to audit by the state board of accounts. The  
 2 amounts necessary to make the transfers required by this subsection are  
 3 appropriated from the state general fund.

4 SECTION 24. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,  
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 5. (a) **Except as provided in subsection (f)**, a  
 7 defendant against whom a judgment is entered is liable for costs. Costs  
 8 are part of the judgment and may not be suspended except under  
 9 IC 9-30-3-12. Whenever a judgment is entered against a person for the  
 10 commission of two (2) or more civil violations (infractions or  
 11 ordinance violations), the court may waive the person's liability for  
 12 costs for all but one (1) of the violations. This subsection does not  
 13 apply to judgments entered for violations constituting:

14 (1) Class D infractions; or

15 (2) Class C infractions for unlawfully parking in a space reserved  
 16 for a person with a physical disability under IC 5-16-9-5 or  
 17 IC 5-16-9-8.

18 (b) If a judgment is entered:

19 (1) for a violation constituting:

20 (A) a Class D infraction; or

21 (B) a Class C infraction for unlawfully parking in a space  
 22 reserved for a person with a physical disability under  
 23 IC 5-16-9-5 or IC 5-16-9-8; or

24 (2) in favor of the defendant in any case;

25 the defendant is not liable for costs.

26 (c) Except for costs, and except as provided in ~~subsection~~  
 27 **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as  
 28 judgments for violations of statutes defining infractions shall be  
 29 deposited in the state general fund.

30 (d) A judgment may be entered against a defendant under this  
 31 section or section 4 of this chapter upon a finding by the court that the  
 32 defendant:

33 (1) violated:

34 (A) a statute defining an infraction; or

35 (B) an ordinance; or

36 (2) consents to entry of judgment for the plaintiff upon a pleading  
 37 of nolo contendere for a moving traffic violation.

38 (e) The funds collected for an infraction judgment described in  
 39 section 4(h) of this chapter shall be transferred to a dedicated county  
 40 fund. The money in the dedicated county fund does not revert to the  
 41 county general fund or state general fund and may be used, after  
 42 appropriation by the county fiscal body, only for the following



- 1 purposes:
- 2 (1) To pay compensation of commissioners appointed under
- 3 IC 33-33-49.
- 4 (2) To pay costs of the county's guardian ad litem program.
- 5 **(f) Notwithstanding subsection (c), civil penalties collected as a**
- 6 **judgment under IC 9-21-22-12 for a traffic violation that is**
- 7 **enforced by camera enforcement under IC 9-21-22 shall be**
- 8 **deposited in the spinal cord and brain injury fund established by**
- 9 **IC 16-41-42.2-3 to be used solely to develop a statewide trauma**
- 10 **system. To the extent an individual is liable for costs for the traffic**
- 11 **violation, the costs may be deducted from the judgment and may**
- 12 **not cause the individual to be liable for an amount greater than the**
- 13 **civil penalty set forth in IC 9-21-22-12(a).**

